

1. A careful survey of the index to the United States Code, Annotated, and checking of apparently relevant statutory provisions indicates that those provisions upon which GSA might base a claim to exclusive construction authority are found in Title 40, Chapters 3, 6, and 10.

2. Chapter 3, § 254 and § 265:

(a) § 254 - The Administrator of General Services (as heir to predecessor agencies - the provision dates back to 1874) has the authority "to set aside any selection (of a site for a public building) which in his opinion has not been made solely with reference . . . to the interest and convenience of the public, as well as to the best interests of the Government."

(b) § 265 - "The Administrator . . . may . . . upon the request of the head of any other executive department, independent establishment, or other Federal agency, carry out the construction of any building . . ." (Emphasis supplied; authority given to predecessor agencies since 1910.)

3. Chapter 6, §§ 341, 342, 344:

(a) § 341 - "To enable the Administrator . . . to provide suitable accommodations . . . he is authorized and directed to acquire . . . such sites . . . as he may deem necessary, and to cause to be constructed thereon . . . adequate and suitable buildings . . . The Administrator . . . is authorized to carry on the construction work herein authorized by contract or otherwise, as he deems most advantageous to the United States. (Emphasis supplied; authority given to predecessor agencies since 1926.)

(b) § 342 - "Duties of Administrator of General Services

(a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of sections 341, 342, and 344, 345, 346, and 347 of this title, shall be performed by the Administrator of General Services, except as otherwise provided in said sections.

(b) When deemed by him advantageous the Administrator of General Services is authorized, in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features, and (2) to employ, to the extent deemed necessary by him in connection with the construction of buildings for the Departments of Commerce and Labor, the architects who were successful in competition heretofore held for a building for the then Department of Commerce and Labor, and to pay reasonable compensation for such services."

(Emphasis supplied; only § 341, 342 and 344 are relevant to construction; authority given to predecessor agencies since 1926.)

(c) § 344 - This provision requires annual reports to the Bureau of the budget and states: "PROVIDED, That in submitting such estimates the Administrator of General Services shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts."

4. Chapter 10, § 474 and § 490:

(a) § 474 - "Nothing in this chapter . . . shall impair or affect any authority of . . . (17) the Central Intelligence Agency."

(b) § 490 - "(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service." (Emphasis supplied.)

(d) Director of the Bureau of the Budget may transfer custody of any Federal building to the Administrator, "except that no transfer shall be made under this subsection . . .

(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or"